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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,815	12/05/2003	Marcio Gerep	030365	1935

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EXAMINER

RAEVIS, ROBERT R

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.		Applicant(s)	
	10/729,815		GEREP, MARCIO	
	Examiner		Art Unit	
	Robert R. Raevis		2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-21 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13, 22-24 and 26-36 is/are rejected.
- 7) ☒ Claim(s) 4 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Exhibit "A"</u> |

DETAILED ACTION

Claims 1,2,3,5,6,8,9,10,11,12,13,22,23,24,26,27,29,30,31,32,33 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerep.

As to claims 1,3,5,13,22,24,26, Gerep teaches (See Exhibit "A") a wall, including: parallel tube, each pair connected together; set of first upper studs attached to one tube and covering a first horizontal region (see dashed line between the upper studs) such that the pair of adjacent first studs is a fixed distance apart; a set of second studs attached to the tube and covering a second horizontal region (see dashed line between the lower studs) such that the pair of adjacent second studs is a fixed distance apart; wherein the first region (upper dashed line) and the second region (lower dashed line) define a line (vertically drawn line between the upper and lower dashed lines) between the regions, the vertically drawn line having a width that is different from the fixed distances.

As to claims 2,11,23,32, see the "1/2 inch" (col. 2, line 11) and Figure 2, where permits for a line at least $\frac{1}{2}$ inch.

As to claims 6,27, note ring 54 in Figure 5.

As to claims 8,10,29,31, the same analysis also applied to studs that are two rows below the second studs of Exhibit "A".

As to claims 9,30, see comments above directed to claim 2.

As to claims 12,33, see col. 2, line 12.

Claims 7,28,34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerep.

Comments that exist above similarly apply here.

As to claims 7,28, Gerep's dimensions (on col. 2, lines 10-20) generally suggest a 0.25-inch distance between rows of studs. In the alternative, Applicant describes a "one-fourth inch in diameter" (p. 3, line 10 from bottom) probe, suggestive of such spacing to allow for measuring.

As to claim 34, see comments above directed to claim 22 which calls for the same structural furnace/boiler. In addition, Applicant describes (pages 3-4) of his specification that it is "standard practice" to measure thickness of tubes with a UT probe, and refer to taking "Repeated test measurements" (col. 4, line 4) "to calculate a rate of corrosion" (col. 4, lines 3-4). Thus, it would have been obvious to make those measurements on Gerep's tubes to predict when failure may occur.

As to claim 35, it would have been obvious to subsequently make measurements to calculate a rate for a second time to allow for a more accurate prediction of when failure may occur, as conditions for corrosion may have varied from the previous determination of rate.

As to claim 36, it is known to construct corrosion profiles to permit operators to comprehend where corrosion is at its greatest in a boiler assembly, allowing for a determination of a plan to address corrosion related issues.

Claims 4,25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 6:30am to 4:00pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Rowe

RAEVI

Apr. 28, 1992

Sheet 1 of 3

Σ XHBIT "A"

set of first & second studs
(1st & 2nd)
Line between
the red
set of
second
studs
(2nd & 3rd)
studs

Fig. 2

